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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,428	02/09/2004	Al Said M. Mohammed	21090.00	6588

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EXAMINER

WARTALOWICZ, PAUL A

ART UNIT

PAPER NUMBER

1772

DATE MAILED: 08/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/773,428

Applicant(s)

MOHAMMED, AL SAID M.

Examiner

Paul A. Wartalowicz

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

Claim Objections

1. Claims 1 is objected to because of the following informalities: In line 15; after the term "expandable" there should be a subject that "expandable" is modifying such as ~~peripheral edge~~. Appropriate correction is required.
2. Claim 5 is objected to because of the following informalities: In line 2, the term "polyvinyl" should have term immediately follow it such as ~~alcohol~~ or ~~chloride~~. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 5, line 2; proper Markush language is "selected from the group consisting of". Is "polyvinyl or polyester" suppose to be a Markush group?

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

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the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bonnett ('554) in view of Bilotti ('748).

Bonnet teaches a circular tablecloth (fig 3, #7) convertible to a garbage bag (col. 1, lines 6,12), comprising a flexible panel (col. 1, line 8) closing over a table top (fig 1, #2) and at least two handles attached to said flexible panel proximate said edge (fig 3, #3) whereby tablecloth converts into a garbage bag (fig 6) by pulling on the draw string cinch system (fig 3, #3), said garbage bag being carried by said handles to a place for disposal.

Bonnet fails to teach an expandable peripheral edge comprising an elastic band attached to and surrounding said peripheral edge.

Bilotti, however, teaches a circular table cover (fig 3, #10) comprising an expandable peripheral edge further comprising an elastic band (fig 3, #14) that stretches when placed over a table top and contracts to it's original shape when in abutment with the table top and providing a tight fit of the table cover over the table top (col. 1, lines 25-31).

Thus, it would have been obvious to one of ordinary skill in the art to have substituted a draw string on the peripheral edge of the tablecloth with an elastic strip on the peripheral edge of the tablecloth as both provide a means to cover the table and convert to a garbage bag.

Therefore, it would have been obvious to one of ordinary skill in the art at the time applicant's invention was made to have provided an elastic band in the table cover of Bonnett in order to provide a tight fit over the table top as taught by Bilotti.

5. Claims 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bonnett ('554) in view of Bilotti ('748) in further view of Petriekis et al. ('636).

Bonnett and Bilotti teach a tablecloth disposal system as described above. Bonnett and Bilotti fail to teach a flexible panel comprising a two-ply polymeric sheet further comprising polyvinyl or polyester.

Petriekis et al. however, teaches a two-ply bag (container, col. 5, lines 54-57) that comprises a polymeric material that has sufficient flexibility (col. 5, line 43) such as polyester or polyvinyl chloride (col. 5, line 52) for the purpose of having a flexible bag.

Therefore, it would have been obvious to one of ordinary skill in the art at the time applicant's invention was made to have provided a two-ply bag comprising polyester or polyvinyl chloride in Bonnett and Bilotti in order to have the flexible bag as taught by Petriekis et al. since these materials are well known in the art for flexibility.

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As to claims 6 and 7, Bonnett teaches a polymeric strip (plastic drawstring, col. 5, lines 17-18) wherein the end portion is attached to the edge by a heat-welding (heat-sealed fold, col. 4, lines 21-22).

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul A. Wartalowicz whose telephone number is (571) 272-5957. The examiner can normally be reached on 8:30-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on (571) 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Paul Wartalowicz
July 27, 2005



HAROLD PYON
SUPERVISORY PATENT EXAMINER
1772 8/5/05